

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BERNARDO TAPIA,
Plaintiff,

v.

SCOTT KERNAN,
Respondent,

No. C 04-2910 MMC (PR)

**ORDER DENYING REQUEST FOR
CERTIFICATE OF
APPEALABILITY**

(Docket No. 17)


On July 19, 2004, the above-titled petition for a writ of habeas corpus, filed by a California prisoner proceeding pro se pursuant to 28 U.S.C. § 2254, was transferred to this court from the Eastern District of California. On December 22, 2006, judgment was entered against petitioner after the petition was denied on its merits. Now before the Court is petitioner's request, filed January 9, 2007, for a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b). See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997). Petitioner has not shown "that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." See Slack v. McDaniel, 529 U.S. 473, 483 (2000). Accordingly, the request for a certificate of appealability is DENIED.

The Clerk shall forward this order, along with the case file, to the United States Court of Appeals for the Ninth Circuit, from which petitioner also may seek a certificate of appealability. See Asrar, 116 F.3d at 1270.

This order terminates Docket No. 17.

IT IS SO ORDERED.

DATED: January 22, 2007


MAXINE M. CHESNEY
United States District Judge